

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

)
) Criminal Action No. 08- 132
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))

<u>INDICTMENT</u>

The Grand Jury for the District of Delaware charges that:

COUNT ONE

On or about July 28, 2008, in the State and District of Delaware, Lamarr McElderry, defendant herein, did knowingly possess in and affecting interstate commerce, a firearm, that is Marakov 9mm, serial number NM251265, after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in the Superior Court in and for New Castle County, Delaware, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT TWO

On or about July 28, 2008, in the State and District of Delaware, Lamarr McElderry, defendant herein, did knowingly possess with intent to distribute a mixture and substance containing a detectable amount of cocaine base, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT III

On or about July 28, 2008, in the State and District of Delaware, Lamarr McElderry, defendant herein, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States (to wit, the knowing possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base, as set forth in Count II of this Indictment and incorporated by reference as if fully set forth herein), did knowingly possess a firearm, to wit, a Marakov 9mm, serial number NM251265, all in violation of Title 18, United States Code, Sections 924(c)(1)(A).

FORFEITURE ALLEGATION

Upon conviction of the offense alleged in Count One of this Indictment, defendant shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in the commission of the offense, including but not limited to the following:

- 1. Marakov 9mm, serial number NM251265; and
- 2. 7 rounds of ammunition.

A TRUE BILL:

Foreperson

COLM F. CONNOLLY United States Attorney

Special Assistant United States Attorney

Dated: August 26, 2008